



Financial Services
Commission
of Ontario
5160 Yonge Street
Box 85
Toronto ON M2N 6L9

Dispute
Resolution
Services

Response to Application for Variation/Revocation Form M

Guide For Completing Dispute Resolution Services (DRS) Forms

Use this form if you want to oppose an *Application for Variation/Revocation* filed by the other party to the arbitration or appeal.

You must file this *Response to Application for Variation/Revocation* form with the Commission (address below) **within 20 days** of receiving confirmation of the *Application for Variation/Revocation* from the Commission. The Director of Arbitrations may extend the time limit based on the reasons for the delay and the apparent strength of the Response. The steps you must take are set out in this form.

Personal information requested on this form is collected under the authority of the *Insurance Act*, R.S.O. 1990, c.I.8, as amended. This information, including documents submitted with this application, will be used in the dispute resolution process for accident benefits. This information will be available to all parties to the proceeding. Any questions about this collection of information may be directed to the Director of Arbitrations, Dispute Resolution Services, at the address below.

If you have any questions or want more information, contact:

Appeals Unit
Dispute Resolution Services
Financial Services Commission of Ontario
5160 Yonge Street, 15th Floor, Box 85
Toronto ON M2N 6L9

In Toronto: (416) 590-7222

Toll Free: 1-800-517-2332, extension 7222

Fax: (416) 590-7077

Commission website: www.fSCO.gov.on.ca

Responding to an Application for Variation/Revocation

For a complete set of the rules for variations/revocations, see the *Dispute Resolution Practice Code*.

Upon receiving a properly completed *Application for Variation/Revocation*, the Commission will promptly acknowledge the application by sending letters to all parties to the original arbitration or appeal.

If you want to oppose the variation/revocation, you must respond within **20 days** of receiving confirmation of the application from the Commission. The Director of Arbitrations can extend the time limit based on the reasons for the delay and the apparent strength of the Response.

Step 1

Complete this Response to *Application for Variation/Revocation* form.

After completing the form, you must serve a copy on the applicant. If the *Application for Variation/Revocation* shows that the applicant is represented, you must also serve the representative.

Service may be done by personal delivery, courier, fax, regular mail, registered mail or any other method allowed by the *Dispute Resolution Practice Code*.

Then file the following with the Commission:

- Completed Response to Application for Variation/Revocation.
- Original *Statement of Service* form stating when and how you served the applicant with the *Response to Application for Variation/Revocation*.

Fee

If you are an insured person, there is no fee for filing a *Response to Application for Variation/Revocation*.

If you are an insurer, the Commission will invoice your company the insurer assessment (**\$500**).

Step 2

When you receive the applicant's written submissions, your written submissions must then be served on the applicant and filed with the Commission within **20 days**.

Step 3

The Director of Arbitrations or adjudicator delegated or appointed by the Director (known as Director' Delegate), may decide the *Application for Variation/Revocation* with or without a hearing.

How to Complete the Response to Application for Variation/Revocation

PLEASE PRINT

Applicant for Variation/Revocation

This information can be found in the *Application for Variation/Revocation*.

Respondent's Name and Address

Fill in completely. Provide any alternative addresses, phone numbers or fax numbers that will make it easier for us to contact you.

Respondent's Representative

You may choose to have someone represent you. Although many people are represented by a lawyer in these proceedings, a lawyer is not required. If you have a representative, fill in the name, address and phone number of your representative. If it is a firm, please state the name of the firm. **A minor (a person under the age of 18) or a person who has been declared mentally incapable, must have a representative.**

Response to Application for Variation/Revocation

Briefly state your response to the reasons for variation/revocation set out in the *Application for Variation/Revocation*. Attach extra sheets if necessary. Although you should state your position, it is not necessary for you to file your complete written submissions until later.

Response to Preliminary Matters

Provide your response to the preliminary matters raised in the *Application for Variation/Revocation* (transcript, preliminary or interim order, new evidence). The Director or Director's Delegate may decide the preliminary matters without further submissions, so your response should be set out in detail. Attach extra sheets if necessary.

Transcript

If the applicant does not intend to order a transcript, you may state whether you think a transcript is needed for the Response.

Preliminary or Interim Order

The usual rule is that a party may not vary or revoke a preliminary or interim order of an adjudicator. If you object to the Variation/Revocation of a preliminary or interim order, you must explain your objection.

Evidence

The Director or Director's Delegate will have access to the arbitration exhibits and therefore, it is not necessary to refile them.

If you want to rely on any additional or new evidence – documents or witnesses – you must explain what the evidence is and why it should be allowed.

If you object to the introduction of new evidence, you should explain why you object.

This issue may be decided without further submissions so your explanation should be as detailed as possible.

Signature

Sign the form and return it to the Appeals Unit at the Commission.

Note: You may settle your dispute with the applicant directly at any time during the arbitration process.